

FACSIMILE			
Date:	July 20, 2005	From:	John A. Sopp
To:	Raymond J. Henley, III USPTO, Group 1614	MILLEN, WHITE, ZELANO & BRANIGAN, P.C. Arlington Courthouse Plaza I 2200 Clarendon Blvd., Suite 1400 Arlington, VA 22201 (U.S.A.) (Fax: 703-243-6410)	
Facsimile No.:	571-273-0575	Writer's Direct Dial:	703-812-5315
Telephone No.:		Writer's Internet Address:	sopp@mwzb.com
RE: U.S. Ser. No. 09/585,431 (Army Docket: LAFG-12-Re)			
Total No. of Pages: <u>3</u> ; if you do not receive all pages, please call 703-243-6333			

Dear Mr. Henley:

Attached is the signed Supplemental Reissue Declaration which you requested during our phone conversation of last week.

Sincerely,



John A. Sopp

Information contained in this facsimile communication may contain privileged and confidential information and is intended solely for the use of the addressee listed above. If you are neither the intended recipient nor the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any disclosure, copying or distribution of, or the taking of any action in reliance on the contents of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone on (703) 243-6333 to arrange for return of the original document to us at our cost. Thank you.

17F 012 017 USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of : Confirmation No. 3925
Bernard Belleau et al : Group Art Unit. 1614
Serial No.: 09/585,431 : Examiner. Raymond J. Henley II
Prior Patent No.. 5,532,246
Filed: June 25, 2000

For: **USE OF 1,3-OXATHIOLANE NUCLEOSIDE ANALOGUES IN THE
TREATMENT OF HEPATITIS B**

SUPPLEMENTAL REISSUE DECLARATION UNDER 37 C.F.R. 1.175 and 1.63

Commissioner for Patents
Box 1450,
Alexandria, VA 22313-1450

SIR:

The undersigned, being duly warned, declare as follows:

We are the inventors of the subject matter of the claims of U.S. Patent No. 5,532,246 and of the subject matter of the claims as proposed herein for reissue and amended per the Reply filed June 29, 2005. We believe our original patent U.S. Patent No. 5,532,246 to be partly inoperative by reason of claiming less than we had a right to claim in the patent. Specifically, there is an error in that the original patent did not contain claims directed to the intermediate scope recited in the new claims added by the re-issue, for example:

- a method of treatment of hepatitis B infection in a human with the compound cis-4-amino-1-(2-hydroxymethyl-1,3-oxathiolan-5-yl)-(1H)-pyrimidin-2-one (formula (I)) or a pharmaceutically acceptable salt, ester or salt of an ester thereof,
- such a method using the (-) enantiomer of the compound or a pharmaceutically acceptable salt, ester or salt of an ester thereof,
- such a method using the (-) enantiomer of the compound or a pharmaceutically acceptable salt, ester or salt of an ester thereof, substantially free of the corresponding (+) enantiomer,

- such a method using the compound or (+) enantiomer or (-) enantiomer substantially free of the corresponding (+) enantiomer, or a pharmaceutically acceptable salt thereof, and
- such a method using the compound or (-) enantiomer or (+) enantiomer substantially free of the corresponding (+) enantiomer.

All errors sought for correction by this reissue application up through the filing of this substitute reissue declaration arose without any deceptive intention on our part.

We have reviewed and understand the contents of the specification, including the claims, as amended in the original reissue application and in the Reply filed June 29, 2005.

We believe we are the original and first inventors of the subject matter which is currently claimed and for which a patent is sought.

We acknowledge the duty to disclose all information which is known to us and which is material to patentability as defined by 37 C.F.R. § 1.56.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed true; and further that these statements were made with the knowledge that willful false statements and the like are made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

July 19th 2005
Date

Pierrette Belleau
Bernard BELLEAU (deceased),
by Pierrette Belleau, his executrix

July 19th 2005
Date

Nghe Nguyen-Ba
Nghe NGUYEN-BA